

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 030863-00006

In re patent application of:

David BRUGE et al.

Confirmation No.: 5020

Application No.: 10/563,830

Art Unit: 1625

Filed: January 25, 2007

Examiner: MORRIS, Patricia L.

For: MALONAMIDE DERIVATIVES

**RESPONSE TO RESTRICTION REQUIREMENT**

**Mail Stop - AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

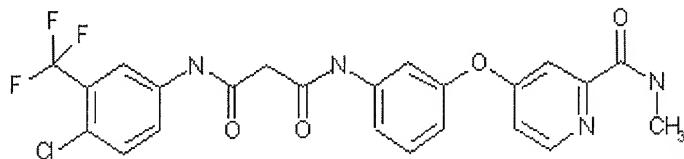
Date: August 12, 2010

Sir:

This paper is submitted in response to the restriction requirement set forth in the Office Action mailed July 13, 2010.

Applicants hereby provisionally elect Group IV, directed to compounds not grouped in Groups I-III. More specifically, Group IV is directed to compounds of formula I where A is -L-(M-L') with L being phenyl, and L' being pyridinyl, D is NHC(O)CH<sub>2</sub>C(O)NH, and B is a phenyl group. Applicants submit that claims 1-5 are currently included in the elected group.

In response to the Election of Species Requirement, Applicants provisionally elect the following compound:



which is disclosed as the 3rd compound from the top in the table provided on page 181 of the specification.

Applicants submit that elected claims 1-5 read on this species.

Applicants note that this response to restriction and election of species is for initial examination purposes only and upon a finding that the elected species is free of the prior art, the Examiner is required under the patent rules to search additional species.

Applicant reserves the right to claim the non-elected subject matter in one or more divisionals. Applicant also reserves the right to request rejoinder of process claims.

Applicants do not believe any fees are due; however, in the event this is not the case, Applicants hereby authorize the Commissioner to charge any additional fees or credit any overpayment to undersigned's Deposit Account No. 01-2300, referencing Attorney Docket No. **030863-00006**.

Respectfully submitted,



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